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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/582,114

08/07/2008

Johan Dahlberg

20459-00401-US1

1632

30678

7590

03/29/2010

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EXAMINER

BERGIN, JAMES S

ART UNIT

PAPER NUMBER

3641

MAIL DATE

DELIVERY MODE

03/29/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/582,114 | <b>Applicant(s)</b><br>DAHLBERG, JOHAN |  |
|                              | <b>Examiner</b><br>JAMES S. BERGIN   | <b>Art Unit</b><br>3641                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :06/08/2006; 07/27/2006; 09/11/2008.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with unclear language and consequently it is impossible to reasonably interpret their intended meaning.

Claim 1 is replete with unclear language and consequently it is impossible to reasonably interpret the intended meaning of independent claim 1. For instance, it is unclear from lines 1-3, which propellant tube of a plurality of propellant tubes is being fixed and centered between which structures. Are the open ends of a propellant tube clamped between two structures? If they are not, the method is inoperable. It is further unclear what defines "*a large number of consecutive perforation operations*" because a large number is a relative term. In lines 5 and 6, the meaning of "*and at least as far as its main part through the wall of the same*" is confusing and it is unclear which structure is being referred to? In line 7, it is unclear which position the limitation "*their position*" refers to because no position of the perforation pins has been previously claimed? In line 7, does the limitation "*previously unprocessed area*" mean an area of the propellant tube that was not previously perforated? In lines 8-10, the meaning of "*an all-over perforation with the desired e-dimension between all the perforations*" is unknown. Is the perforation pattern predetermined with a desired constant e-dimension spacing

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distance between the perforations, the e-dimension perforation spacing distance being the predetermined spacing between the perforations for that specific propellant contained in a specific charge, the e-dimension perforation spacing corresponding to the spacing that allows the propellant to burn through completely between the perforations during the firing of a specific projectile from the time of ignition until the time at which the projectile exits the barrel (see page 5 of the applicant's specification for a definition of the term "*e-dimension*").

Since claim 1 is a method of making claim, it is suggested that the claim be amended or rewritten in the conventional manner with convention method steps and with appropriate structure and functional language so that it can be properly compared with the known prior art.

The remaining claims 2-20 should now be reviewed by the applicant to ensure that they are compliant with 35 USC 112 2nd paragraph issues, paying due regard to proper antecedent basis issues. See for instance, claim 4, line 2, "*the feed stage*" which lacks a proper antecedent basis in claim 1.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the attached PTO-FORM 892.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES S. BERGIN whose telephone number is (571)272-6872. The examiner can normally be reached on Monday - Wednesday and Friday, 8.30 - 5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James S. Bergin/  
Primary Examiner, Art Unit 3641